

DUKHAN MUMIN,)	
)	
Petitioner,)	4:16CV3033
)	
V.)	
)	
BRIAN GAGE,)	MEMORANDUM
)	AND ORDER
Respondent.)	
)	

On May 23, 2016, Petitioner filed a request to stay proceedings in this matter because he filed a supplement to his habeas petition on May 20, 2016. (Filing Nos. [14](#), [15](#).) The motion also makes several legal arguments pertaining to the merits of his habeas petition and seeks the appointment of counsel and an evidentiary hearing.

Petitioner's request that these proceedings be stayed will be denied. Petitioner has not set forth any grounds for delaying progression of this case, nor has Petitioner identified any reason necessitating an evidentiary hearing. Respondent is, however, directed to take note of the supplement to Petitioner's petition at the time Respondent files his response to the habeas petition.

Moreover, Petitioner will not be appointed counsel at this time. As Petitioner was previously informed, there is no constitutional right to counsel in habeas proceedings. [*McCall v. Benson*, 114 F.3d 754, 756 \(8th Cir. 1997\)](#). Rather, appointment of counsel is committed to the discretion of the trial court. [*Id.*](#) The court has carefully reviewed the record and finds there is no need for the appointment of counsel at this time.

IT IS THEREFORE ORDERED:

1. Petitioner's Motion for Bail (Filing No. [13](#)) is denied.
2. Petitioner's Request to Stay Proceedings (Filing No. [15](#)) is denied.
3. Petitioner's Request for Counsel (Filing No. [15](#)) is denied without prejudice to reassertion.

DATED this 1st day of June, 2016.

BY THE COURT:

Richard G. Kopf

Senior United States District Judge